



# Department of Justice

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## **LOCAL COMMERCIAL X-BOX RETAILERS PLEAD GUILTY TO COPYRIGHT FELONIES**

WASHINGTON, D.C.—Four commercial retailers have pleaded guilty to charges of conspiracy to commit felony copyright infringement and conspiracy to violate the Digital Millenium Copyright Act, related to the illegal modification of Microsoft Xbox video game consoles, the Justice Department announced today. Biren Amin, 36, of Laurel, Maryland, and Mrugesh Amin, 25, of Laurel, Maryland, entered their pleas today before Judge Peter J. Messitte in the U.S. District Court for the District of Maryland. Hitesh Patel, 31, of College Park, Maryland, and Herbie Walker, 25, of Hyattsville, Maryland entered their guilty pleas on May 18, 2005.

Biren Amin, Mrugesh Amin, Hitesh Patel, and Herbie Walker all worked in “Pandora’s Cube,” a commercial retail video game distributor with three store locations in Springfield, Virginia; College Park, Maryland; and Baltimore, Maryland. Biren Amin owned the three stores; Hitesh Patel managed the Springfield store and provided technical skills; and Mrugesh Amin and Herbie Walker each had managerial responsibilities in the two Maryland stores.

During 2003 and 2004, Pandora’s Cube assembled and sold modified Microsoft Xbox video game consoles, which Pandora’s Cube called “Super Xboxes.” The Super Xbox was specifically designed by Pandora’s Cube to defeat the Xbox’s integrated copyright protection system and to permit customers to avoid purchasing, and paying the retail price for, authentic Xbox game discs. Assembled with a modification chip, new software, and an enlarged hard drive, the Super Xbox allowed users to copy video games from an authentic game disc, save the copied games onto its hard drive, and play the video game directly from the hard drive without the authentic disc. Additionally, Pandora’s Cube illegally copied large quantities of Xbox video games onto the hard drives of the Super Xboxes and sold the copied games at very substantial discounts to customers.

“The commercial manufacture and sale of circumvention devices like the Super Xbox serves only one purpose: facilitation of large-scale piracy,” said Acting Assistant Attorney General John C. Richter of the Criminal Division. “Such piracy and the resulting illegal windfall for these few comes at the expense of the many Americans who labor to keep our nation at the forefront of technological advance.”

In pleading guilty, each of the above-named defendants admitted to participating in the scheme to manufacture, market, and sell the Super Xbox as a means to defeat the Microsoft Xbox's copyright protection system and to commit copyright infringement on a relatively large scale and to facilitate the commission its others. They further admitted to conspiring with each other and others to manufacture, market, and sell the Super Xbox as a copyright-protection circumvention device and to commit copyright infringement for the purpose of commercial advantage and private financial gain.

"Stealing the intellectual property of others is like any other form of thievery," said U.S. Attorney Allen F. Loucks. "It is important to protect the property rights of all inventors and creators under our copyright laws."

"Intellectual property rights violations are far from a petty crime," said Acting Special-in-Charge John D. Fox, Jr. for ICE investigations in Maryland. "The criminals who perpetrate these crimes rob legitimate U.S. business of billions of dollars in revenue every year, inflicting serious harm on our economy."

The maximum penalties for a first time offender convicted of conspiracy to violate the Digital Millennium Copyright Act and to commit felony copyright infringement in violation of Title 17, United States Code, sections 506 and 1204 and Title 18, United States Code, sections 371 and 2319 are five years in prison, a fine of \$250,000, and restitution to the victims. Biren Amin is scheduled to be sentenced on August 17, 2005. Hitesh Patel is scheduled to be sentenced on July 19, 2005. Mrugesh Amin is scheduled to be sentenced on August 9, 2005. Herbie Walker is scheduled to be sentenced on August 4, 2005.

This case was investigated by U.S. Immigration and Customs Enforcement, and is being prosecuted by Department of Justice Trial Attorney Corbin A. Weiss of the Computer Crime and Intellectual Property Section and Assistant United States Attorney Chan Park from the U.S. Attorney's Office for the District of Maryland. The Entertainment Software Association provided valuable assistance to the investigation.

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